



CHK# 4033185
12/26/12

Record Date:
Created By:
Created On:

Modified By: medinat
Modified On:

Document Description: Legal services related to investigation by County
Extended Description:

Actual Amount:
Cited Authority:

Record Date:
Created By:
Created On:

medinat
12-10-2012

Modified By:
Modified On: 12-19-2012

Document Description: Attorney
Extended Description:

Actual Amount: \$ 27,205.00
Cited Authority: ADM REIMB 3RD PARTY

Vendor Cust: V00000910383
Legal Name: JOEL B. BENNETT PC
Alias / DBA:
Address: 316 West 12th Street
Sutie 101
Austin, Texas 78701

Disbursement Category: REG
Schedule Payment Date: 2012-12-10
Disbursement Priority: 99
Disbursement Type: 1
Disbursement Format: REG

Single Payment:
Handling Code:

Acct Line: 1
Budget FY:
Fiscal Year:
Period:

Event Type: AP01
Service From Date: 2011-03-21
Service To Date: 2012-10-24

Bank Account: 23
Vendor Invoice No: 29145
Vendor Invoice Ln: 1
Vendor Invoice Dt: 2012-11-19

Line Amount: \$ 27,205.00

Check Description: Legal services related to investigation by County Attorney into allegations concerning Texas Open Meetings

Line Description:

Fund Dept Unit & Sub Appr Objt & Sub Rev & Sub BSA & Sub Actv Func Rptg Task Order Maj Prog Program Pgm Pd

Acct Line:
Budget FY:
Fiscal Year:
Period:

Event Type:
Service From Date:
Service To Date:

Bank Account:
Vendor Invoice No:
Vendor Invoice Ln:
Vendor Invoice Dt:

Line Amount:

Check Description:

Act-Cole

Line Description: Legal services related to investigation by County Attorney into allegations-Texas Open Meeting Act

Fund Dept Unit & Sub Appr Objt & Sub Rev & Sub BSA & Sub Actv Func Rptg Task Order Maj Prog Program Pgm Pd
5150 5700 5711 570057BA 5620

Law Office of Joel B. Bennett, P.C.
Attorneys at Law
316 W. 12th Street, Suite 101
Austin, Texas 78701

Invoice submitted to:
City of Austin
Law Department
301 W. 2nd Street
P.O. Box 1088
Austin, TX 78767-1088

November 19, 2012
In Reference To: Sheryl Cole Representation

Invoice # 29145

Professional Services

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|-------------------|--|-------------------|---------------|
| <u>March 2011</u> | | | |
| 03/21/11 | JBB Prepare and meet with City of Austin Council member, Sheryl Cole. Office meeting with Sheryl Cole to discuss the criminal implications associated with not complying with the following: The Texas Open Meetings Act (TOMA), The Texas Public information Act (TPIA), Personal Financial Disclosure requirements and records retention requirements. | 3.50 300.00/hr | 1,050.00 |
| 03/24/11 | JBB Conference with Randy Levitt, Attorney for the City of Austin about the roles of separate lawyers for each Council member and Mayor. | 0.30 300.00/hr | 90.00 |
| 03/28/11 | JBB Read summary of (TOMA) law and read history of case against City of Austin and conference with clerk. | 1.20 300.00/hr | 360.00 |
| 03/28/11 | OG Write summary of (TOMA) law and case history against City Council. | 2.50 75.00/hr | 187.50 |
| 03/29/11 | JBB Meeting with Council member Sheryl Cole, review emails and other documents provided to Joel B. Bennett, P.C. | 3.10 300.00/hr | 930.00 |

JOEL B. BENNETT, P.C.

Tax Id: 74-2288241/ Vendor No. V00000910383

Regarding: Sheryl Cole Representation

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|-------------------|--|-------------------|---------------|
| 03/30/11 | JBB Conference with Attorney Martha Dickey as to her approach to the case; Conference with the County Attorney. | 0.50 300.00/hr | 150.00 |
| 03/31/11 | JBB Meeting with Council member Sheryl Cole, Kevin Cole, and Randy Levitt- Attorney for City of Austin. | 2.00 300.00/hr | 600.00 |
| SUBTOTAL: | | [13.10 | 3,367.50] |
| <u>April 2011</u> | | | |
| 04/06/11 | JBB Preparation for meeting with all of the attorneys representing individual Council members, and attorneys representing the City of Austin including but not limited to reviewing emails, articles and case law. Conference with Council member Sheryl Cole. | 5.20 300.00/hr | 1,560.00 |
| 04/08/11 | OG Evaluating TOMA law to determine exactly what is a violation of TOMA; Start organizing file. | 3.00 75.00/hr | 225.00 |
| 04/11/11 | JBB Conference with Attorney Wayne Meissner about his approach to case; Conference with Council member Sheryl Cole; Review article on TOMA. | 1.70 300.00/hr | 510.00 |
| 04/14/11 | OG Review emails and organize emails in preparation of meeting with the County Attorney and to try to determine if law was broken. | 5.00 75.00/hr | 375.00 |
| 04/20/11 | JBB Various telephone conferences with County Attorney, set up meeting -"what is the meeting about"; Conference with Council member Sheryl Cole. | 2.20 300.00/hr | 660.00 |
| 04/22/11 | JBB Prepare for meeting with County Attorney; Meet with County Attorney and staff along with Kevin Cole and Council member Sheryl Cole. | 2.80 300.00/hr | 840.00 |
| 04/25/11 | JBB Review additional emails delivered last week and review notes from meetings; conference with Council member Sheryl Cole. | 2.60 300.00/hr | 780.00 |
| 04/29/11 | JBB Read summary of fact and law after meeting with the County Attorney; Conference with Council member Sheryl Cole. | 1.55 300.00/hr | 465.00 |
| | OG Writing up my impressions of the facts/law, after meeting with County Attorney. | 1.30 75.00/hr | 97.50 |
| SUBTOTAL: | | [25.35 | 5,512.50] |

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|------------------|--|-------------------|---------------|
| <u>May 2011</u> | | | |
| 05/03/11 | JBB Draft response to County Attorney David Escamilla's interpretation of email for Council member Sheryl Cole to review. | 2.80 300.00/hr | 840.00 |
| 05/16/11 | JBB Conference with Randy Levitt; Conference with the County Attorney about his plan of action. | 1.50 300.00/hr | 450.00 |
| 05/19/11 | JBB Prepare for meeting with Randy Levitt, Attorney for the City of Austin. Meeting with Attorney's representing individual Council members and Randy Levitt- discussed joint defense agreement. | 1.65 300.00/hr | 495.00 |
| 05/25/11 | JBB Several telephone conferences with Assistant County Attorney Mack Martinez regarding his plan of action; Conference with Council member Sheryl Cole's clerk. | 1.00 300.00/hr | 300.00 |
| SUBTOTAL: | | [6.95 | 2,085.00] |
| <u>June 2011</u> | | | |
| 06/01/11 | JBB Review file; conference with Attorney Chuck Grigson who represents Council member. | 0.50 300.00/hr | 150.00 |
| 06/02/11 | JBB Meeting with Council member Sheryl Cole and Kevin Cole; Conference with Brian Roark, Attorney representing Mayor and attempt to call Joe Turner, Attorney representing Council member Martinez, to discuss case. | 1.50 300.00/hr | 450.00 |
| 06/16/11 | JBB Meet with Assistant County Attorney Mack Martinez to determine plan of action. | 1.50 300.00/hr | 450.00 |
| 06/20/11 | JBB Meet with Assistant County Attorney Mack Martinez and Assistant County Attorney Carla Cook; Telephone conference with Kevin Cole. | 1.50 300.00/hr | 450.00 |
| 06/21/11 | JBB Memo regarding meeting with Assistant County Attorney Mack Martinez and Assistant County Attorney Carla Cook. Conference with Travis County Attorney, David Escamilla. | 2.10 300.00/hr | 630.00 |
| 06/29/11 | JBB Meeting with Council member Sheryl Cole and Kevin Cole. Review cases. Conference with Sheryl Cole's secretary, possible outcome of the case. | 2.10 300.00/hr | 630.00 |
| SUBTOTAL: | | [9.20 | 2,760.00] |

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|-----------------------|--|-------------------|---------------|
| <u>July 2011</u> | | | |
| 07/29/11 | JBB Continue to evaluate the case in view of the emails; meet with Council member Sheryl Cole and Kevin Cole about my view of the case. | 3.50 300.00/hr | 1,050.00 |
| SUBTOTAL: | | [3.50 | 1,050.00] |
| <u>August 2011</u> | | | |
| 08/05/11 | JBB Meeting with Assistant County Attorney Mack Martinez. | 1.50 300.00/hr | 450.00 |
| 08/09/11 | JBB Conference with Travis County Attorney, David Escamilla at the County Attorney's Office. | 0.20 300.00/hr | 60.00 |
| 08/10/11 | JBB Conference with Assistant County Attorney Mack Martinez about status of case; Telephone conference with Randy Levitt. | 0.50 300.00/hr | 150.00 |
| 08/16/11 | JBB Meet with Assistant County Attorney Mack Martinez, "where do we go from here", why subpoena duces tecum. Fax copy of subpoena duces tecum to Kevin Cole and discuss. | 3.20 300.00/hr | 960.00 |
| 08/19/11 | JBB Telephone conference with Kevin Cole. | 0.30 300.00/hr | 90.00 |
| 08/22/11 | JBB Prepare for meeting with all Attorneys, Randy Levitt, Karen Kennard and Tonya Brown. | 1.50 300.00/hr | 450.00 |
| 08/23/11 | JBB Meeting with Council member Sheryl Cole and Kevin Cole; Attempted to call Assistant County Attorney Mack Martinez regarding "How to respond individually to subpoena". | 1.10 300.00/hr | 330.00 |
| 08/29/11 | JBB Conference with Chuck Grigson, Attorney representing Council member; Review file regarding agreement with County Attorney. | 0.30 300.00/hr | 90.00 |
| 08/30/11 | JBB Conference with Assistant County Attorney Mack Martinez about a possible agreement. Conference with Council member Sheryl Cole. | 0.50 300.00/hr | 150.00 |
| SUBTOTAL: | | [9.10 | 2,730.00] |
| <u>September 2011</u> | | | |
| 09/07/11 | JBB Telephone and office conference with Kevin Cole. Telephone conference with Tara assistant for Council member Sheryl Cole, attempting to set up a meeting. | 0.50 300.00/hr | 150.00 |
| SUBTOTAL: | | [0.50 | 150.00] |

 JOEL B. BENNETT, P.C.

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|-------------------|---|-------------------|---------------|
| <u>April 2012</u> | | | |
| 04/17/12 JBB | Meeting with Assistant County Attorney Mack Martinez, regarding waive of statute of limitations and conference about deferred prosecution. | 1.50 300.00/hr | 450.00 |
| 04/30/12 JBB | Read the limitations law; Conference with Kevin Cole and meeting with Council member Sheryl Cole and Kevin Cole, sign document (extending limitation 180 days). | 1.50 300.00/hr | 450.00 |
| | SUBTOTAL: | [3.00 | 900.00] |
| <u>May 2012</u> | | | |
| 05/01/12 JBB | Meeting with Assistant County Attorney Mack Martinez to discuss final disposition. Review draft and discussed the meaning of the draft with Council member Sheryl Cole. | 1.20 300.00/hr | 360.00 |
| | SUBTOTAL: | [1.20 | 360.00] |
| <u>June 2012</u> | | | |
| 06/12/12 JBB | Conference with Wayne Missner regarding his conference with the County Attorney- regarding deferred prosecution; Review file. | 0.30 300.00/hr | 90.00 |
| | SUBTOTAL: | [0.30 | 90.00] |
| <u>July 2012</u> | | | |
| 07/03/12 JBB | Prepare and meet with Randy Levitt and all other attorneys regarding consent agreement. | 1.50 300.00/hr | 450.00 |
| 07/30/12 JBB | Prepare and meet with Randy Levitt; Review consent document. Conference with Kevin Cole. | 2.20 300.00/hr | 660.00 |
| 07/31/12 JBB | Review file; Conference with Council member Sheryl Cole and Kevin Cole. | 1.00 300.00/hr | 300.00 |
| | SUBTOTAL: | [4.70 | 1,410.00] |

| | | <u>Hrs/Rate</u> | <u>Amount</u> |
|-----------------------|--|-------------------|---------------|
| <u>September 2012</u> | | | |
| 09/28/12 LP | Research 5th circuit case ruling TOMA disclosure requirement constitutional; Short memo. | 2.50 100.00/hr | 250.00 |
| SUBTOTAL: | | [2.50 | 250.00] |
| <u>October 2012</u> | | | |
| 10/02/12 JBB | Review and read 5th Circuit case summary (Alpine). | 0.80 300.00/hr | 240.00 |
| 10/08/12 JBB | Meeting with Mack Martinez to review proposal to settle case; Telephone conference with Kevin Cole, fax proposal to Kevin Cole. | 2.00 300.00/hr | 600.00 |
| 10/10/12 JBB | Prepare for meeting with Council member Sheryl Cole, including reviewing file and proposal from County Attorney. Meeting with client. | 4.20 300.00/hr | 1,260.00 |
| 10/12/12 JBB | Meeting with lawyers who are representing individual Council members and Mayor about County Attorney's agreement. | 1.00 300.00/hr | 300.00 |
| 10/15/12 JBB | Meeting with Council member Sheryl Cole about both drafts of proposed agreement. | 2.00 300.00/hr | 600.00 |
| 10/17/12 JBB | Review and revise compliance agreement; conference with Council member Sheryl Cole. | 3.10 300.00/hr | 930.00 |
| 10/18/12 JBB | Multiple conferences with Council member Sheryl Cole; Review various red line agreements. Hold several meetings with Assistant County Attorney, Mack Martinez and Libby Lawson. | 3.20 300.00/hr | 960.00 |
| 10/19/12 JBB | Review and revise new red line agreement from Assistant County Attorney, Libby Lawson and Mack Martinez; Meeting with Council member Sheryl Cole. | 2.50 300.00/hr | 750.00 |
| 10/22/12 JBB | Meeting with Council member Sheryl Cole to discuss the proposed changes. Meeting with the County Attorney's office to discuss proposed changes. Second meeting with Council member Sheryl Cole, sign document and deliver document to County Attorney. Meeting with County Attorney. | 2.50 300.00/hr | 750.00 |
| 10/24/12 JBB | Conference with client about press release; review press release. | 0.50 300.00/hr | 150.00 |

| | <u>Hrs/Rate</u> | <u>Amount</u> |
|------------------------------------|-----------------|---------------|
| SUBTOTAL: | [21.80 | 6,540.00] |
| For professional services rendered | 101.20 | \$27,205.00 |
| Balance due | | \$27,205.00 |

Thank you for your immediate attention to this matter.

Joel B. Bennett, P.C.
316 W. 12th Street
Suite 101
Austin, Texas 78701

Tax Id: 74-2288241 / Vendor No. V00000910383

Regarding: Sheryl Cole Representation